UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

KENNETH RUZ,

Honorable Madeline Cox Arleo

Plaintiff.

Civil Action No. 10-6087 (SDW)

v.

Master Docket No. 09-4414 (SDW) MDL. No. 2158

ZIMMER, INC., a Delaware Corporation,

REPORT AND RECOMMENDATION

Defendants.

THIS MATTER having come before the Court upon the motion of plaintiff, Kenneth Ruz ("plaintiff") to remand the pending action (Docket Entry 21) upon notice to defendants, Zimmer, Inc., and Zimmer Holdings, Inc. ("defendants"), and the Court having considered the papers submitted in support of and in opposition to the remand motion and having heard the argument of the parties, and for the reasons set forth on the record on May 26, 2011, and for good cause shown;

IT IS on this 26th day of May 2011,

RECOMMENDED THAT plaintiff's motion to remand this action to the Superior Court of the State of California, Los Angeles County, (Docket Entry 21), be **GRANTED**; and it is further

RECOMMENDED THAT plaintiff's request for an award of attorney's fees, pursuant to 28 U.S.C. § 1447(c), be **DENIED**.

The parties have fourteen (14) days from the date hereof to file objections.

MADELINE COX ARLEO United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J.

Clerk of the Court

All Parties

File